United Nations A/65/517–S/2010/534

General Assembly
Security Council

Distr.: General
15 October 2010
English
Original: French

General Assembly
Sixty-fifth session
Agenda item 98 (f)
Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Security Council
Sixty-fifth year

Identical letters dated 13 October 2010 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General and the President of the Security Council

In my capacity as representative of the current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa, I have the honour to transmit herewith the report of the thirtieth ministerial meeting of the Committee, held from 26 to 30 April 2010 in Kinshasa, Democratic Republic of the Congo (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-fifth session of the General Assembly, under agenda item 98 (f), and of the Security Council.

I should like to stress that this report, including the legal instrument annexed thereto, should be made available to States as soon as possible in order to facilitate the smooth organization of the Convention's opening for signature by the States of Central Africa, which is to be held on 19 November 2010 in Brazzaville (Republic of the Congo).

An identical letter has been sent to the President of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

10-58796 (E) 041110 081110

Please recycle

Annex to the identical letters dated 13 October 2010 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General and to the President of the Security Council

Report of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Contents

		Page
A.	Introduction	3
B.	Summary of proceedings	4
I.	Election of the Bureau	4
II.	Adoption of the agenda	4
III.	Report of the outgoing Bureau, read by its Chairman	4
IV.	Consideration of the revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly	5
•	Preamble and Chapter I: Purpose and definitions	6
•	Chapter II: Transfers	6
•	Chapter III: Possession by civilians	6
•	Chapter IV: Manufacture, distribution and repair	6
•	Chapter V: Operational procedures	6
•	Chapter VI: Transparency and exchange of information	7
•	Chapter VII: Harmonization of national legislation	7
•	Chapter VIII: Institutional arrangements and implementation	7
•	Chapter IX: General and final provisions	8
•	Plan for implementation of the legal instrument	8
V.	Date and place of the next meeting	8
VI.	Other matters	9
VII.	Adoption of the report of the thirtieth ministerial meeting	9
C.	Expressions of thanks	9
Annex		
	Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly	11

A. Introduction

1. The thirtieth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (UNSAC) was held in Kinshasa, Democratic Republic of the Congo, from 26 to 30 April 2010.

2. The following member States participated in the meeting: the Republic of Angola, the Republic of Burundi, the Republic of Cameroon, the Central African Republic, the Republic of Chad, the Democratic Republic of the Congo, the Republic of the Congo, the Republic of Equatorial Guinea, the Gabonese Republic, the Republic of Rwanda and the Democratic Republic of Sao Tomé and Principe.

3. The secretariat of the Committee was comprised of members of the United Nations Subregional Centre for Peace and Disarmament in Africa (UNREC). The High Representative of the Secretary-General for Disarmament Affairs was represented by Ms. Agnès Marcaillou, Chief of the Regional Disarmament Branch of the Office of Disarmament Affairs.

4. The following United Nations entities took part in the proceedings: the United Nations Centre for Human Rights and Democracy in Central Africa (UNCHRD-CA), the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and the United Nations Development Programme (UNDP).

5. The following entities participated as observers: the secretariat of the Economic Community of Central African States (ECCAS), the Commission of the African Union (AU) and the International Organization of la Francophonie (OIF).

6. The opening ceremony featured:

- A message from the Secretary-General of the Economic Community of Central African States (ECCAS), read out by H.E. Mr. Roger Mengue Ekomié, coordinator for the Assistant Secretary-General in charge of the Department for Human Integration, Peace, Security and Stability;
- A message from the Chairperson of the Commission of the African Union, read out by H.E. Mr. Corentin Ki-Doulaye, representative of the African Union in the Republic of Chad;
- A message from the Secretary-General of the United Nations, read out by H.E. Ms. Sahle-Work Zewde, Special Representative of the Secretary-General in the Central African Republic;
- The opening statement by H.E. Mr. Alexis Thambwe Mwamba, Minister for Foreign Affairs of the Democratic Republic of the Congo.

7. The closing statement was delivered on 30 April 2010 by H.E. Mr. Alexis Thambwe Mwamba, Minister for Foreign Affairs of the Democratic Republic of the Congo.

B. Summary of proceedings

I. Election of the Bureau

8. H.E. Mr. Alexis Thambwe Mwamba, Minister for Foreign Affairs of the Democratic Republic of the Congo, was elected Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa by acclamation.

9. The Committee also elected the following countries as members of the Bureau:

- First Vice-Chairman: Central African Republic
- Second Vice-Chairman: Republic of Equatorial Guinea
- Rapporteur: Republic of the Congo.

II. Adoption of the agenda

10. The Committee adopted the following agenda:

1. Election of the Bureau.
2. Adoption of the agenda.
3. Report of the outgoing Bureau, read by its Chairman.
4. Consideration of the revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
5. Date and place of the next meeting.
6. Other matters.
7. Adoption of the report of the thirtieth ministerial meeting.

III. Report of the outgoing Bureau, read by its Chairman

11. The States members of the Committee took note of the report of the outgoing Bureau read by its Chairman. They commended the Chairman and the members of the Bureau on the dynamic way in which they had performed their duties, and, in particular, their contribution to the adoption of the General Assembly resolution on the Committee's activities and to the preparation and organization of the thirtieth ministerial meeting, carried out in close cooperation with the Committee secretariat.

12. The States members of the Committee also congratulated the Gabonese Republic on its outstanding election to the United Nations Security Council. In that regard, they welcomed the initiative taken by the Gabonese Presidency of the Security Council in March 2010 to hold a meeting on the topic: "Central African region: Impact of illicit arms trafficking on peace and security".

IV. Consideration of the revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly

13. In accordance with the decision taken by the States members of the Committee at its twenty-ninth ministerial meeting, document UNSAC/2010/30/WP.1, entitled "Revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly" was the basis for the exchanges of views among member States. It had been prepared by the United Nations Regional Centre for Peace and Disarmament in Africa.

14. The States members of the Committee commended the Regional Centre on the quality of the document and expressed their full satisfaction with its content. They reiterated their gratitude to the Government of Austria for its financial support.

15. The States members of the Committee expressed satisfaction that the United Nations Regional Centre for Peace and Disarmament in Africa had taken into account their comments and the contributions of the independent experts who had met on 12 and 13 March 2010 in Nairobi. This meeting of independent experts, most of whom were African, had enabled practitioners such as the representatives of ECCAS, the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA), the Economic Community of West African States (ECOWAS) and international lawyers and experts to share with the Committee secretariat the experience they had gained from the formulation and implementation of similar legal instruments.

16. The revised draft legal instrument consists of a preamble and nine chapters.

17. It emerged from the discussions that the revised draft legal instrument reflects the latest developments in the area of regulating the trade in small arms and light weapons and of combating illicit trafficking. It also takes into account the political, security, cultural, legal and institutional specificities of the 11 States members of the Committee. The revised draft legal instrument is aimed at preventing, combating and eradicating illicit trade and trafficking in small arms and light weapons in Central Africa.

18. The States members of the Committee adopted the revised draft legal instrument and decided that its title should be: "Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly", or the "Kinshasa Convention". The document which was adopted is annexed to this report.

19. The States members of the Committee decided to refer to the adoption of the Convention in a resolution of the General Assembly at its sixty-fifth regular session, and to mention that the Convention would be opened for signature by member States at the thirty-first ministerial meeting.

20. The consideration of the revised draft legal instrument, chapter by chapter, may be summarized as follows:

- **Preamble and Chapter I: Purpose and definitions**

21. The States members of the Committee expressed satisfaction with the Preamble, which reflects their concerns about illicit trade and trafficking in small arms and light weapons in Central Africa. They took note of the references made to the link between women, peace and security and to the phenomenon of road blockers and cross-border insecurity. They also expressed satisfaction with the reference made to bladed weapons as tools that can be used for violent and criminal purposes in Central Africa.

22. The States members of the Committee decided that the purpose of the revised draft legal instrument was to prevent, combat and eradicate illicit trade and trafficking in small arms and light weapons in Central Africa. They also expressed agreement with the strengthening of inter-State cooperation, collaboration between the public authorities and civil society organizations, and the monitoring of authorized activities such as transfers, manufacture, possession or use of small arms and light weapons.

23. The States members of the Committee accepted the definitions set forth in the revised draft legal instrument. These definitions derive from relevant texts in existence and/or endorsed at the subregional, regional and international levels.

- **Chapter II: Transfers**

24. The States members of the Committee accepted a regime for authorization of transfers of weapons and ammunition. They noted that transfers are authorized only for States, and only for necessities of maintaining law and order, defence or participation in peacekeeping operations. On the other hand, transfers are strictly prohibited for non-State armed groups.

- **Chapter III: Possession by civilians**

25. The States members of the Committee decided to prohibit the possession of small arms by civilians and to authorize, under certain conditions, the possession of light weapons by civilians with the exception of weapons manufactured to military specifications.

26. The States members of the Committee also provided for the adoption of specific national measures to control the possession of light weapons by civilians.

- **Chapter IV: Manufacture, distribution and repair**

27. The States members of the Committee authorized, under certain conditions, the industrial manufacture and home production of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

- **Chapter V: Operational procedures**

28. The States members of the Committee decided that all activities linked to brokering in weapons and ammunition should be regulated at the national level, including registration of private individuals and companies established or operating as brokers. The members also decided that all weapons and their ammunition would be systematically marked in accordance with precise technical specifications.

29. Furthermore, the States members of the Committee agreed to adopt a tracing procedure to enable the transfer of weapons and ammunition to be monitored. They also indicated their agreement concerning the need to systematically register, collect and destroy all surplus, obsolete or illicit arms and ammunition.

30. The States members of the Committee decided to maintain the security of depots and to adopt the necessary administrative measures to manage stockpiles. States would also be required to maintain border control and to designate a precise number of points for entry of arms and ammunition into their territories.

31. The States members of the Committee decided to develop public and community education and awareness programmes at the local, national and regional levels to promote greater public and community involvement.

- **Chapter VI: Transparency and exchange of information**

32. The States members of the Committee decided to promote transparency and the exchange of information and to strengthen confidence among them. They decided to establish and maintain centralized national electronic databases on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

33. In addition, the States members of the Committee entrusted the Secretary-General of ECCAS with establishing and maintaining a subregional electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly. The Secretary-General of ECCAS would also establish and maintain, in order to ensure control of their movement, a subregional database on weapons used in peacekeeping operations. He would take the necessary steps to cooperate with international suppliers and to ensure that they conform to the spirit and letter of the legal instrument.

- **Chapter VII: Harmonization of national legislation**

34. The States members of the Committee agreed to revise, update and harmonize their respective national legislation, including provisions to criminalize or impose civil penalties on certain practices.

35. Furthermore, appropriate mechanisms would be established or strengthened to combat corruption linked to illicit manufacture, possession and use of, and trafficking in, small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

- **Chapter VIII: Institutional arrangements and implementation**

36. The States members of the Committee decided to appoint national focal points on small arms and light weapons in their respective countries. In addition, they decided to create national commissions to coordinate action to combat illicit trade and trafficking in small arms and light weapons. The focal points would also serve as permanent secretaries and/or chairmen of the national commissions.

37. The States members of the Committee also agreed to provide the secretariat of ECCAS with the institutional and operational capacities commensurate with its responsibilities in implementing the legal instrument. The secretariat of ECCAS

would, among other tasks, have the responsibility of facilitating the establishment of a network of civil society organizations, mobilizing the necessary resources, providing financial and technical support to member States and non-governmental organizations, preparing an annual report and ensuring follow-up and appraisal of the implementation of the legal instrument.

- **Chapter IX: General and final provisions**

38. The States members of the Committee decided that accession to the Convention would be open to all States members of the Committee. However, any other interested State not a member of the Committee may also accede upon a decision to that end by the Conference of States Parties.

39. In addition, the Secretary-General of the United Nations is designated the depositary of the Convention, which will enter into force on the date of deposit of the sixth instrument of ratification.

- **Plan for implementation of the legal instrument**

40. The States members of the Committee considered in first reading document UNSAC/2010/30/WP.2 entitled "Preliminary draft plan for implementation of the legal instrument". At the request of States, it was prepared by the United Nations Regional Centre for Peace and Disarmament in Africa to accompany the legal instrument. It includes actions to be undertaken by member States at the national level and by the ECCAS secretariat at the subregional level. The actions consist of three types: institutional, prescriptive and operational measures.

41. The States members of the Committee commended the Regional Centre for Peace and Disarmament in Africa on the quality of the document. They recommended that each member State should, at the national level, consider the preliminary draft plan for implementation of the legal instrument, with the participation of the various ministries. The States members of the Committee decided to draft written recommendations at the close of the said consultations and to transmit them to the committee secretariat by 31 July 2010 at the latest.

42. The States members of the Committee decided to include in the agenda of the thirty-first ministerial meeting consideration of the preliminary draft plan for implementation of the Convention, the text of which should be sent to them one month before the holding of the ministerial meeting.

V. Date and place of the next meeting

43. The States members of the Committee decided to hold the thirty-first ministerial meeting in November 2010.

44. The States members of the Committee recommended that the Secretariat should hold consultations to decide on the venue and precise dates, which would be communicated to the member States in due course.

VI. Other matters

45. The States members of the Committee followed attentively the important statement by the head of the delegation of Cameroon on maritime piracy in the Gulf of Guinea. Given the seriousness and urgency of the problem, they recommended that ECCAS and the Commission of the Gulf of Guinea should organize as soon as possible a subregional conference on maritime piracy in Central Africa. The members also recommended that the item should be included in the agenda of the thirty-first ministerial meeting.

VII. Adoption of the report of the thirtieth ministerial meeting

46. The States members of the Committee adopted the present report on 30 April 2010. They expressed their appreciation to the United Nations Office for Disarmament Affairs for the technical assistance and expertise that it continues to provide to them.

47. The States members of the Committee reiterated their gratitude to the Secretary-General of the United Nations for the support given by the Organization to the work of the Committee, and for its contribution to peace and security in Central Africa.

C. Expressions of thanks

48. The following expression of thanks was read out by the head of the delegation of the Democratic Republic of Sao Tomé and Principe:

> "We, representatives of the States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, gathered on the occasion of the thirtieth ministerial meeting, from 26 to 30 April 2010 in Kinshasa, Democratic Republic of the Congo;
>
> – Reaffirm our attachment to the ideals of peace, stability and security that are so necessary for our respective peoples and for the socio-economic development of our subregion;
>
> – Welcome the efforts made by our countries, individually and collectively, to promote peace, security, stability and development, including through the adoption of a convention for the control of small arms and light weapons in our subregion;
>
> – Welcome the atmosphere of conviviality, brotherhood and mutual trust that has prevailed throughout our work;
>
> – Express our sincere thanks and our profound gratitude to His Excellency Mr. Joseph Kabila Kabange, President of the Democratic Republic of the Congo, and to the Congolese Government and people, for the warm and fraternal welcome we have received during our stay in the Democratic Republic of the Congo."

49. The following special expression of thanks was read out by the Deputy Minister for Foreign Affairs, International Cooperation and la Francophonie of the Gabonese Republic:

"We, States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, having participated in the thirtieth ministerial meeting, held from 26 to 30 April 2010 in Kinshasa, Democratic Republic of the Congo;

- Resolved to make our subregion a zone of peace, stability and security conducive to the economic and social development of our respective States;

- Satisfied with the adoption of the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly;

Express our profound gratitude to the United Nations Office for Disarmament Affairs and the Regional Centre for Peace and Disarmament in Africa for the excellent work accomplished and the outstanding collaboration achieved during the drafting of the instrument."

Done at Kinshasa on 30 April 2010

Annex

Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly

Summary

	Page
Preamble	12
Chapter I. Purpose and definitions	13
Chapter II. Transfers	16
Chapter III. Possession by civilians	18
Chapter IV. Manufacture, distribution and repair	20
Chapter V. Operational procedures	22
Chapter VI. Transparency and exchange of information	26
Chapter VII. Harmonization of national legislation	30
Chapter VIII. Institutional arrangements and implementation	31
Chapter IX. General and final provisions	33

PREAMBLE

We, Heads of State and Government of the States members of the Economic Community of Central African States (ECCAS) and the Republic of Rwanda, and States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa ("the Committee");

Recalling the principles of the Charter of the United Nations, especially those concerning disarmament and arms control and those inherent in the right of States of individual or collective self-defence, non-intervention and non-interference in the internal affairs of another State, and prohibition of the use or threat to use force;

Taking into account the importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons; and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

Reaffirming the importance of United Nations Security Council resolution 1325 (2000) and subsequent resolutions 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security;

Taking into account the importance of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, and also the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations;

Reaffirming also the importance of Security Council resolution 1612 (2005) and subsequent resolutions on children and armed conflict and condemning the recruitment of children in armed forces and their participation in armed conflicts;

Recalling also the relevant provisions of the Constitutive Act of the African Union and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons;

Aware of the harmful effects on development of the chaotic proliferation and uncontrolled circulation of small arms and light weapons, and the fact that poverty and the lack of prospects for a better future create conditions conducive to the misuse of such arms, especially by youth;

Taking account also of the actions taken under the Brazzaville Programme of Priority Activities for the implementation in Central Africa of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

Taking account also of the importance of instruments for the implementation of confidence-building measures among Central African States, such as the Non-Aggression Pact, the Mutual Assistance Pact and the Protocol relating to the Council for Peace and Security in Central Africa (COPAX).

Considering that the illicit trade and trafficking in small arms and light weapons poses a threat to the stability of States and to the security of their populations by, inter alia, promoting armed violence, prolonging armed conflict and encouraging the illicit exploitation of natural resources;

Mindful of the need to ensure that peace and security remain one of the major goals of relations among Central African States;

Taking into account the porous nature of borders between our States and how difficult it is for States to stop the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

Recalling that bladed weapons are tools that can be used for violent and criminal purposes;

Anxious to fight the phenomenon of roadblockers, cross-border insecurity and organized crime;

Recognizing the important contribution of civil society organizations in the fight against the illicit trade and trafficking in small arms and light weapons;

Taking into account that certain members of the Committee have signed the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, and considering that this Convention is fully consistent with the efforts being made by the Central African States to combat illicit weapons at the subregional, continental and global level;

Bearing in mind the adoption on 18 May 2007, of the Sao Tomé Initiative whereby the States that are members of the Committee decided, inter alia, to draw up a legal instrument on the control of small arms and light weapons in Central Africa;

Have agreed as follows:

CHAPTER I: PURPOSE AND DEFINITIONS

Article 1: Purpose

The purpose of this Convention is to:

1. Prevent, combat and eradicate, in Central Africa, the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

2. Strengthen the control, in Central Africa, of the manufacture, trade, movement, transfer, possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

3. Combat armed violence and ease the human suffering caused in Central Africa by the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

4. Foster cooperation and confidence among States Parties and cooperation and dialogue among Governments and civil society organizations.

Article 2: Definitions

For the purposes of this Convention:

(a) Small arms and light weapons: any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas shall be defined in accordance with domestic law. In no case shall antique small arms and light weapons include those manufactured after 1899;

(b) Small arms: broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(c) Light weapons: broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of a calibre of less than 100 millimetres;

(d) Ammunition: the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;

(e) Transfer: the import, export, transit, trans-shipment and transport or other movement to, across and from the territory of one State Party of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(f) Illicit: anything done in violation of the provisions of this Convention;

(g) Illicit manufacturing: manufacturing or assembly of small arms and light weapons, their parts and components or their ammunition:

- from parts and components illicitly trafficked;
- without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place;
- without marking the small arms and light weapons at the time of manufacture, in accordance with this Convention;

(h) Illicit trafficking: the import, export, acquisition, sale, delivery, movement or transfer of small arms and light weapons, their ammunition and parts and components that can be used for their manufacture, repair and assembly from across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this

Convention or if the weapons and ammunition are not marked in accordance with this Convention;

(i) Parts and components: that can be used for the manufacture, repair and assembly of small arms and light weapons and their ammunition (9): any element or replacement element specifically designed for small arms or light weapons and essential to their operation, including a barrel, frame or receiver, slide or cylinder, bolt or breechblock, and any device designed or adapted to diminish the sound caused by firing a such a weapon, and any chemical substance serving as an active material and used as a propellant or explosive agent;

(j) Tracing: the systematic tracking of illicit small arms and light weapons, their ammunition and parts and components that can be used for their manufacture, repair or assembly, found or seized in the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit;

(k) Broker: any person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise;

(l) Brokering activities: can take place in the broker's country of nationality, residence or registration; they can also take place in another country. The small arms and light weapons do not necessarily pass through the territory of the country where the brokering activity takes place, nor does the broker necessarily take ownership of them;

(m) Activities closely associated with brokering: activities that do not necessarily, in themselves, constitute brokering may be undertaken by brokers as part of the process of putting a deal together to gain a benefit. These may include, for example, acting as dealers or agents in small arms and light weapons, providing for technical assistance, training, transport, freight forwarding, storage, finance, insurance, maintenance, security and other services;

(n) Non-State armed group: a group that could potentially use weapons as part of its use of force in order to achieve political, ideological or economic goals, but which is not part of the formal military establishment of a State, alliance of States or intergovernmental organization and over which the State in which it operates has no control;

(o) Civil society organization: any non-State, not-for-profit, voluntary, non-political organization that is registered with the competent authorities and that has an official structure and acts within the social sphere;

(p) Marking: mark on a weapon or ammunition that makes it easy to identify in accordance with this Convention;

(q) Central Africa: the geographical area covering the 11 States that are members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, namely, the Republic of Angola, the Republic of Burundi, the Republic of Cameroon, the Central African Republic, the Republic of Chad, the Republic of the Congo, the Democratic Republic of the Congo, the Republic of Equatorial Guinea, the Gabonese Republic, the Republic of Rwanda and the Democratic Republic of Sao Tomé and Principe;

(r) End-user certificate: document used to identify, monitor and certify the end-user and the intended end use before the competent authorities issue an import or export licence;

(s) Visitor's certificate: a document giving a visitor temporary authorization for the duration of their stay in a State Party to this Convention, to bring their weapons into or through the country and to use them, as appropriate, for purposes specified by the competent national authorities;

(t) Destruction: process whereby a weapon, ammunition or explosive is rendered permanently inert so that it can no longer operate as it was designed to operate;

(u) National stockpile: all the small arms and light weapons, their ammunition and all parts and components that can be used for the their manufacture, repair and assembly held by a country, including those in the possession of the armed forces, security forces and manufacturing firms working for the State;

(v) Management of the national stockpile: procedures and activities to ensure safe and secure storage, transport, handling, accounting and recording of small arms and light weapons, their ammunition and all parts and components that can be used for the manufacture, repair and assembly of such weapons.

CHAPTER II: TRANSFERS

Article 3: Authorization of transfers to States

1. States Parties shall authorize the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from other States.

2. The only grounds for authorizing the transfers are that they are necessary in order to:

(a) Maintain law and order, or for defence or national security purposes;

(b) Participate in peacekeeping operations conducted under the aegis of the United Nations, the African Union, the Economic Community of Central African States or other regional or subregional organizations of which the State Party concerned is a member.

Article 4: Prohibition of transfers to non-State armed groups

States Parties shall prohibit any transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from their respective territories to non-State armed groups.

Article 5: Procedure and conditions for the issuance of transfer authorizations

1. States Parties shall set up, and maintain at the national level, a system for authorizing the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from their respective territories.

2. States Parties shall each designate a national body to be responsible for handling issues relating to the issuance of transfer authorizations both to public institutions and to qualified private actors, in accordance with the national laws and regulations in force.

3. States Parties shall require that any request for a transfer authorization from a public institution or a private individual be addressed by the applicant to the competent national body and that it contain, at the very least, the following information:

(a) Quantity, nature and type of weapon, including all the information concerning markings, in accordance with this Convention;

(b) Name, address and contact details of the supplier and his representative;

(c) Name, address and contact details of the companies and individuals involved in the transaction, including brokers;

(d) Number and time frame of shipments, routes, transit locations, type of transport used, companies involved in importing, forwarding agents and relevant information about storage conditions;

(e) End-user certificate;

(f) Description of the end use of the small arms and light weapons, ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(g) Designation of where they are to be loaded and unloaded.

4. When issuing a transfer authorization States Parties shall include, at the very least, the following information:

(a) Place and date of authorization;

(b) Date the authorization expires;

(c) Exporting, importing, trans-shipment or transit country;

(d) Name and full and up-to-date details of end-user and broker;

(e) Quantity, nature and type of weapons concerned;

(f) Name and full and up-to-date details of the end-user and signature of applicant;

(g) Practical means of transport, complete details regarding the carrier and time frame for transport;

(h) Name and full and up-to-date details and signature of the authority issuing the authorization.

5. Notwithstanding the provisions of article 3 and the national laws and regulations in force the States Parties agree that a transfer authorization shall be denied by the competent national body if:

(a) There is a possibility that the small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly might be diverted, in the importing or transit State, to unauthorized use or users or to illicit trade, or even re-exported;

(b) The small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly are to be or might be used to commit violations of international human rights law or international humanitarian law; to commit war crimes, genocide or crimes against humanity; or for terrorist purposes;

(c) The transfer of the small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly might violate an international arms embargo;

(d) The applicant has, on the occasion of a prior transfer, violated the letter and spirit of national texts in force that regulate transfers and the provisions of this Convention;

6. The States Parties shall take the necessary steps to harmonize, at the subregional level, administrative procedures and supporting documents for authorizations for the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 6: End-user certificate

1. The States Parties shall draw up an end-user certificate and the administrative procedures and supporting documents needed for such certificates. A certificate shall be issued for each import shipment and shall be contingent upon the applicant's having obtained an import authorization issued by the competent authorities.

2. The States Parties shall harmonize the contents of the end-user certificates at the subregional level.

CHAPTER III: POSSESSION BY CIVILIANS

Article 7: Prohibition of the possession of small arms by civilians

1. The States Parties shall enact provisions, in accordance with the laws and regulations in force, to prohibit the possession, carrying, use and trade of small arms by civilians within their respective territories.

2. The States Parties shall enact national laws and regulations to penalize the possession of small arms by civilians.

Article 8: Authorization of the possession of light weapons by civilians

1. The States Parties shall determine, in accordance with the laws and regulations in force, the conditions for authorization of the possession, carrying, use and trade by civilians of light weapons, except for those manufactured to military specifications, such as sub-machine guns, assault rifles and light machine guns.

2. The States Parties shall define the administrative procedures governing requests for and issuance of licences for the possession, carrying, use and trade of light weapons by civilians. A licence shall be issued for each light weapon in the possession of a civilian.

3. The States Parties shall issue licences only to civilians who meet, at a minimum, the following conditions:

(a) Are of legal age, as defined by the national legislation;

(b) Have no criminal record and have undergone a good conduct investigation;

(c) Are not involved in any criminal proceedings and do not belong to a gang or a group of bandits;

(d) Provide a valid reason for the need to possess, carry, use and trade in light weapons;

(e) Prove that they are familiar with the laws governing light weapons;

(f) Provide proof that the light weapon will be stored in a safe place and separately from its ammunition;

(g) Have no record of domestic violence or any psychiatric history;

(h) Provide a complete and up-to-date physical address.

4. The States Parties shall impose a limit on the number of light weapons that may be possessed by the same individual.

5. The States Parties shall establish a minimum period of 30 days and any additional time they deem appropriate before a licence is issued in order to enable the competent authorities to do all the necessary checking.

6. Licences granted to civilians for the possession of light weapons must include an expiration date not to exceed five years. At the expiration of each licence, requests for renewal shall be subject to a complete review of the conditions cited in paragraph 3 of this article.

7. Persons wishing to turn in their weapons must voluntarily deposit them, against receipt, either at the powder magazine of the competent administration or at the police station or gendarmerie nearest to their domicile. Weapons thus turned in voluntarily shall become the property of the State and shall be transferred, if necessary, to the powder magazine for their destruction.

8. The States Parties shall enact laws and regulations for the strict prohibition of the carrying of light weapons by civilians in public places.

Article 9: Measures for control of the possession of light weapons by civilians

1. The States Parties shall determine by law or by regulation the national administrative procedures and measures for the granting or withdrawal of licences for the possession of light weapons.

2. The States Parties shall revise, update and harmonize national administrative procedures and measures for the granting and withdrawal of authorizations for the possession of light weapons.

3. The States Parties shall establish norms and standards for the proper management of stocks of weapons and ammunition possessed by civilians, particularly manufacturers and dealers.

4. The States Parties shall define by law or regulation the penalties, including civil and criminal penalties, for violations with respect to the possession of light weapons by civilians.

5. The States Parties shall keep a register of owners and dealers of light weapons in their respective territories and shall maintain an electronic database pertaining thereto.

6. The States Parties shall set up a subregional common system for verification of the validity of licences granted at the national level for the possession of, carrying, use and trade in light weapons by civilians. They shall establish for that purpose an electronic database of licences accessible to the competent services of each of the States Parties.

Article 10: Visitor's certificate

1. The States Parties shall require that civilians without authorization for the possession of light weapons valid in the State in question who wish to import or ship in transit, through their respective territories light weapons and their ammunition in their possession must obtain a visitor's certificate authorizing temporary import for the length of their stay or temporary transit.

2. The States Parties shall designate the competent national body responsible for dealing with matters connected with the issuance of visitors' certificates.

3. The States Parties stipulate that the visitors' certificates must include, as a minimum, all the following information: number of weapons, proof of ownership of the weapons, as well as their technical specifications, including the marking components, in order to establish their legality under national laws and the provisions of this Convention.

4. The States Parties shall set the maximum number of light weapons eligible for a visitor's certificate and the maximum duration of temporary import. They shall determine the duration of validity and number of certificates that may be granted to each visitor per year.

5. Every weapon in the possession of a visitor must have its own certificate. All weapons must be marked in accordance with the provisions of this Convention.

6. The States Parties undertake to harmonize the procedures for obtaining visitors' certificates and to prepare and publish an annual report on the visitors' certificates issued and denied.

CHAPTER IV: MANUFACTURE, DISTRIBUTION AND REPAIR

Article 11: Authorization for manufacture, distribution and repair

1. The industrial manufacture and home production of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly shall be subject to the granting of a licence and to strict control by the States Parties in the territories in which these activities are carried out.

2. The States Parties shall define by law or regulation the rules and procedures governing the industrial manufacture and home production as well as the

distribution of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly. They undertake to adopt policies and strategies for the reduction and/or limitation of the local manufacture of small arms and light weapons and their ammunition.

3. The States Parties stipulate that activities with respect to the manufacture, distribution and repair of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly which are carried out without a licence are illicit and make their authors liable to penalties, including criminal penalties.

4. The States Parties undertake to define in their respective national legislation the conditions for granting a licence for the manufacture, distribution and repair of small arms and light weapons for legal entities.

5. The States Parties shall issue licences for manufacture, distribution and repair only to individuals who meet, at a minimum, the following conditions:

(a) Are of legal age, as defined by the national legislation in force;

(b) Have no criminal record and have undergone a good conduct investigation;

(c) Prove that they are familiar with the laws governing small arms and light weapons;

(d) Provide proof that the weapons and ammunition have been manufactured, distributed or repaired in conformity with the appropriate safety and security norms and procedures established by the laws and regulations in force;

(e) Have no history of domestic violence, no psychiatric history and no conviction for a crime using a small arm or a light weapon or violation of the legal provisions relating to the carrying of light weapons by civilians.

6. The States Parties shall ensure that licences are issued for a specific period not to exceed five years, after which every licence-holder must submit a request for renewal to the competent national authorities.

Article 12: Measures for the control of manufacture, distribution, repair and enforcement

1. The States Parties stipulate that manufacturers, distributors and repairers shall provide the competent authorities with information concerning compliance with the rules and procedures in force with respect to the registration, storage and management of weapons and ammunition.

2. The States Parties stipulate that each small arm and light weapon, as well as all ammunition, must be marked at the time of manufacture, in accordance with the provisions of this Convention.

3. The States Parties shall establish norms and standards for the proper management of stocks of weapons and ammunition which have been manufactured and distributed so as to ensure their safety and security, and shall monitor compliance by authorized manufacturers, distributors and repairers.

4. The States Parties undertake to monitor and inspect manufacturers, distributors and repairers so as to ensure compliance with the laws and regulations in force.

5. The States Parties shall exercise the appropriate enforcement powers under their national laws, as well as their international obligations, in order to ensure that those who do not abide by the laws and regulations governing the activities of manufacturers, distributors and repairers of small arms and light weapons and their ammunition are subject to penalties, including the revocation of their licences and/or the confiscation of stocks.

6. The States Parties shall ensure that every entity holding a licence for manufacture, distribution or repair maintains an electronic database and a register in paper form to enable the competent authorities to monitor its activities.

CHAPTER V: OPERATIONAL PROCEDURES

Article 13: Brokering

1. The States Parties shall register private individuals and companies established or operating in their respective national territories as brokers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, regardless of their nationality.

2. The States Parties also stipulate that brokers are required to register in their country of origin and in their country of residence.

3. The States Parties undertake to enact laws and regulations limiting the maximum number of weapons brokers or brokering companies established or operating in their respective territories.

4. Without prejudice to the provisions of paragraph 1 of this article, financial and shipping agents of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, which are established and operating within or outside the territory of each State Party shall also be subject to registration.

5. The States Parties stipulate that financial and shipping agents of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly must make financial transactions for the relevant operations through bank accounts that are traceable by the competent national authorities.

6. Brokers, including financial and shipping agents, who do not register with the competent national authorities, shall be considered illegal.

7. The States Parties shall require that all brokers, including financial and shipping agents duly registered with the competent national authorities, shall obtain a license in their country of origin or in their country of residence for each individual transaction in which they are involved, regardless of where the arrangements concerning the transaction are to be made.

8. The States Parties shall adopt legislative and regulatory measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 14: Marking and tracing

1. The States Parties shall enact the necessary legislative and regulatory provisions to ensure that all small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are found in their respective territories bear a unique and specific marking applied upon manufacture or import.

2. All small arms and light weapons and all ammunition which is not marked in accordance with this Convention shall be considered illicit. Unless marked for use under the conditions defined by national laws and regulations and this Convention, such weapons and ammunition must be duly recorded and destroyed.

3. Marking shall be in alphanumeric script and must be legible. It shall be applied to as many parts of weapons as possible, but must appear on the barrel, the frame and especially, the breachblock.

4. Marking on ammunition must appear first of all on the case containing the powder or liquid used in the ammunition or the explosive.

5. The marking of weapons under this Convention shall include, at a minimum, the following elements:

(a) The unique serial number of the weapon;

(b) Identification of the manufacturer;

(c) Identification of the country of manufacture;

(d) Identification of the year of manufacture;

(e) Calibre;

(f) The ministerial department or State body under whose responsibility the weapon falls.

6. Importing countries must mark weapons and provide the year of import.

7. Without prejudice to the provisions of paragraph 2 of this article, and in order to increase the effectiveness of the marking and tracing of manufactured and/or imported weapons, a security marking shall also be applied. It shall be made on parts which are hard to access after manufacture so as to enable identification of the weapon in the event that the classic marking is obliterated or falsified.

8. The security marking shall include the elements described in paragraph 5 of this article.

9. For ammunition, the marking shall include:

(a) A unique batch number;

(b) Identification of the manufacturer;

(c) Identification of the country and year of manufacture;

(d) Identification of the purchaser, the ammunition and the country of destination if this information is known at the time of manufacture.

10. The States Parties shall adopt a tracing procedure and may submit a tracing request to the Secretary-General of ECCAS, to any other organization to which they

belong, or to another State, in respect of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly found within their respective territorial jurisdictions and deemed illicit.

11. The States Parties shall ensure that the national Interpol offices are fully operational, and are able to request assistance from the headquarters of Interpol in the tracing of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 15: Registration, collection and destruction

1. The States Parties shall conduct semi-annual inspections to evaluate and inventory stockpiles and the conditions under which small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly in the possession of the armed and security forces and other authorized bodies are stored.

2. The States Parties shall collect, seize and register small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit.

3. The States Parties shall systematically destroy small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit and shall transmit the relevant information to the subregional database established by the Secretary-General of ECCAS.

4. The States Parties shall keep information concerning the destruction of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit, in national electronic databases for a minimum of 30 years.

5. The States Parties shall adopt the most effective techniques for destruction, in accordance with the international norms in force.

6. The States Parties shall conduct joint operations to locate, seize and destroy illicit caches of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 16: Management and security of stockpiles

1. The States Parties shall maintain the security of depots and ensure the proper management of stockpiles of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly at all times. For that purpose, they shall define and harmonize the necessary administrative measures and procedures for stockpile management, security and storage.

2. The administrative measures and procedures referred to in paragraph 1 of this article shall take into account, inter alia, determination of appropriate storage sites, establishment of physical security measures, definition of procedures for inventory management and recordkeeping, staff training and the identification of measures to ensure security during manufacture and transport.

3. The States Parties shall establish national inventories of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are in the possession of the armed and security forces and any other competent State body.

4. The States Parties shall adopt the necessary administrative measures and procedures to strengthen the capacity to manage and secure stores of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly belonging to the armed and security forces and any other competent State body.

Article 17: Border control

1. The States Parties undertake to adopt appropriate legislative and regulatory measures to strengthen border control in order to put an end in Central Africa to the illicit traffic in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The States Parties shall establish fully operational customs administrations which shall cooperate with the international customs organization and Interpol, including in requesting their assistance to ensure effective control of small arms and light weapons and their ammunition at border entry points.

3. The States Parties agree to submit small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to the border controls and taxation in force at the national level.

4. The States Parties undertake to develop and strengthen their cooperation at borders and specifically to organize joint and mixed transborder operations and patrols so as better to control the circulation of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

5. The States Parties undertake to strengthen border controls by inter alia setting up mobile border posts equipped with non-intrusive technical facilities and by establishing a mechanism for cooperation and a system for the exchange of information among the border countries, in accordance with the provisions of this Convention.

Article 18: Points of entry of small arms and light weapons

1. Without prejudice to their other border control measures, the States Parties shall determine and secure in their respective territories the mode of transport for export and import, as well as a precise and limited number of points of entry for small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The States Parties shall determine the order of precedence of the competent services over border controls with respect to small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

3. The States Parties shall designate other competent bodies which may support the customs services in controlling small arms and light weapons and their ammunition at the border entry points.

4. The States Parties stipulate that small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that do not pass through the official entry points are illicit.

5. The States Parties shall take the measures necessary for regular controls at official entry points, as determined by the competent authorities, over all of their respective territories.

Article 19: Education and awareness programmes

1. The States Parties undertake to develop public and community education and awareness programmes at the local, national and regional levels to promote greater public and community involvement and to support the efforts to combat illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The education and awareness programmes shall aim to promote a culture of peace and involve all sectors of society, including civil society organizations.

CHAPTER VI: TRANSPARENCY AND EXCHANGE OF INFORMATION

Article 20: National electronic database

1. The States Parties shall establish and maintain, at the national level, a centralized electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The data shall be kept in the national databases for a minimum of 30 years, including marking procedures and all other relevant and related data.

3. All the data in the national electronic databases must also be kept by each State Party in paper form in a centralized national register.

4. The following information shall be registered in the database:

(a) Type or model, calibre and quantity of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, found in the national territory of each State Party, including those manufactured locally;

(b) The content of the marking as indicated in the present Convention;

(c) The names and addresses of the former and current owners of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly and, if applicable, subsequent owners;

(d) The date of registration of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(e) The name and address of the shipper, any intermediary, the consignee and the user indicated on the end-user certificate;

(f) The origin, points of departure, transit, if applicable, entry and destination, as well as the customs notations and the dates of departure, transit and delivery to the end-user;

(g) Full details concerning export, transit and import licences (quantities and batches corresponding to the same licence as well as the validity of the licence);

(h) Full details concerning method(s) of shipment and shipper(s); the monitoring agency or agencies (on departure, at the point of transit if applicable and on arrival);

(i) Description of the nature of the transaction (commercial or non-commercial, private or public, conversion, repair); and, where applicable, complete information concerning the insurer and/or the financial institution involved in the operation;

(j) Information concerning civilian owners of light weapons, in particular: name, address, marking of the weapon, licences;

(k) The name and complete and up-to-date addresses of every home producer or industrial manufacturer, every distributor and every repairer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 21: Subregional electronic database

1. The States Parties stipulate that the Secretary-General of ECCAS shall establish and maintain as a means of promoting and strengthening confidence, a subregional electronic database of transfers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The information shall be kept in the subregional database for a minimum of 30 years, including marking procedures and all other relevant and related data.

3. The Secretary-General of ECCAS, in conjunction with the States Parties, shall determine the modalities for the establishment and management of the subregional database, including all the areas to be covered.

4. The States Parties shall periodically provide the Secretary-General of ECCAS with information to be included in the subregional electronic database, including information relating to marking procedures and all other relevant and related data.

5. The States Parties shall submit to the Secretary-General of ECCAS an annual report on the management and operation of their respective national databases.

6. The Secretary-General of ECCAS shall prepare for the States Parties an annual report regarding the management and operation of the subregional database.

7. All the data in the subregional database must also be kept by the Secretary-General of ECCAS in a subregional register in paper form.

Article 22: Subregional electronic database of weapons used in peacekeeping operations

1. The States Parties stipulate that the Secretary-General of ECCAS shall establish and maintain, in order to ensure control of their movement, a subregional

electronic database of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly intended for use in peacekeeping operations.

2. The States Parties stipulate that the data, including data relating to weapons and ammunition collected during disarmament, demobilization and reintegration operations, shall be kept in the subregional database of weapons used in peacekeeping operations for a minimum of 30 years.

3. The States Parties stipulate that the Secretary-General of ECCAS, in conjunction with the States Parties, shall determine the modalities for the establishment and management of the subregional database of weapons used in peacekeeping operations, including all the areas to be covered.

4. The States Parties shall provide the Secretary-General of ECCAS with all the information to be included in the database of weapons used in peacekeeping operations, including information relating to marking procedures and all other relevant and related data.

5. All the data in the subregional database of weapons used in peacekeeping operations must also be kept by each State Party in a national register, in paper form, and by the Secretary-General of ECCAS in a subregional register in paper form.

Article 23: Dialogue with international manufacturers and international organizations

1. The States Parties shall communicate with international producers and suppliers of arms, as well as the competent international and regional organizations, and may also request the Secretary-General of ECCAS for relevant information, including information relating to peacekeeping operations, with a view to the exchange of information and the strengthening of the implementation of this Convention.

2. The Secretary-General of ECCAS shall also take the necessary steps to ensure that international weapons manufacturers support, respect and conform to the spirit and letter of this Convention through, inter alia, the signing of memorandums of understanding and/or framework agreements for cooperation.

Article 24: Confidence-building

1. In order to strengthen confidence, the States Parties shall establish a system of judicial cooperation and shall share and exchange information through the customs, police, water and forest services, the gendarmerie, the border guards or any other competent State body.

2. The information exchanged may concern criminal groups and networks of illicit trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

3. The States Parties shall also exchange information on sources and supply routes, consignee States, means of transport and any financial support available to the groups indicated in paragraph 2 of this article.

4. Each State Party shall inform the others of the convictions of individuals or legal entities involved in manufacture, trade or illicit trafficking decided by its courts. The information shall also cover any seizure and destruction operations.

5. Without prejudice to other actions they might take, the States Parties shall also exchange data relating to:

(a) Manufacture (marking system and techniques, authorized manufacturers);

(b) Transfers (exports to and/or imports from any other State, transit, available information concerning national legislation, existing practices and controls, authorized dealers and brokers);

(c) Existing stockpiles (security, destruction, losses, thefts, illicit seizures).

6. The cooperation mechanism and the system for the exchange of information must make it possible, inter alia, to improve the capacity of the security forces and other intelligence services including through training sessions on investigative procedures and law enforcement techniques in relation to the implementation of this Convention.

7. In order to promote transparency, the States Parties shall prepare an annual national report on requests for transfer authorizations and end-user certificates that have been accepted or denied by the competent national authorities.

8. The annual report of each State Party must include at a minimum, for each transfer authorization that has been denied or accepted, the following information:

(a) The type and number of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(b) The name and complete and up-to-date address of the applicant;

(c) The number and reasons for denial or acceptance of the transfer;

(d) The measures taken to respect the relevant provisions of this Convention, including the enacting of specific laws.

9. The States Parties shall submit their annual report on transfers to the United Nations Register of Conventional Arms and to the subregional electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, maintained by ECCAS.

10. The States Parties stipulate that requests for assistance in tracing small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, shall contain detailed information, including, inter alia:

(a) Information describing the illicit nature of the small arm or light weapon, including the legal justification therefor and the circumstances under which the weapon in question was found;

(b) Detailed identification of the weapon, including the markings, type, calibre, serial number, country of import or manufacture and other relevant information;

(c) Intended use of the information requested;

(d) A specific listing of the information to be provided by the State receiving the tracing request.

11. The State Party receiving the tracing request shall acknowledge receipt of this request within one month and shall duly examine it. It shall respond formally to the request made by the other State within a maximum period of three months from the date of receipt.

12. In responding to a tracing request, the requested State Party shall provide the requesting State with all available and relevant information.

13. The States Parties shall record in their respective national databases and shall exchange information on industrial and home-based manufacturers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

CHAPTER VII: HARMONIZATION OF NATIONAL LEGISLATION

Article 25: Adoption and harmonization of legislative provisions

1. The States Parties undertake to revise, update and harmonize their respective national legislation to bring it in line with the relevant provisions of this Convention.

2. The States Parties shall adopt legislative and regulatory measures at the domestic level to penalize the following practices:

(a) Illicit trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(b) The illicit manufacture of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(c) The illicit possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(d) The falsification or obliteration, illicit removal or alteration of the markings of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, as required by the present Convention;

(e) Any other activity carried out in violation of the provisions of this Convention;

(f) Any activity carried out in violation of an embargo on small arms and light weapons imposed by the United Nations, the African Union, ECCAS or any other relevant organization.

3. The States Parties stipulate that the Secretary-General of ECCAS shall prepare within a reasonable time, a guide for the harmonization of legislative provisions.

Article 26: Campaign against corruption and other forms of criminality

The States Parties shall adopt appropriate measures to establish or strengthen cooperation between the administrative departments concerned and the security forces in order to prevent and combat corruption, money-laundering, terrorism and drug trafficking associated with the illicit manufacturing of, trafficking in, trade, possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

CHAPTER VIII: INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

Article 27: National focal points

Each State Party shall appoint a national focal point on small arms and light weapons who shall also serve as the permanent secretary or chairperson of its national commission. The national focal points shall be the first points of contact for, inter alia, the facilitation of exchanges with the internal and external partners of the States Parties.

Article 28: National commissions

1. Each State Party shall establish a national commission to serve as a coordinating body for the action taken by the State to combat illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The national commissions shall be established in accordance with existing international standards.

3. The States Parties undertake, on the basis of their annual budgets, to provide the national commissions with adequate human, material and financial resources in order to ensure that they function effectively and efficiently. They shall create a specific budget line allocated to the national commissions.

4. The States Parties stipulate that the Secretary-General of ECCAS shall support the strengthening of the financial, technical, institutional and operational capacities of the national commissions.

Article 29: The Secretary-General of ECCAS

1. The States Parties stipulate that the Secretary-General of ECCAS shall ensure the follow-up and coordination of all the activities carried out at the subregional level for the purposes of combating illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The States Parties shall take the necessary measures to provide the secretariat of ECCAS with institutional and operational capacities commensurate with its responsibilities in the implementation of this Convention.

3. The States Parties stipulate that the tasks of the Secretary-General of ECCAS shall include the responsibility of:

(a) Facilitating and encouraging the establishment of a network of civil-society organizations;

(b) Mobilizing the necessary resources for the implementation of this Convention;

(c) Providing financial and technical support to public authorities and non-governmental organizations;

(d) Preparing an annual report and ensuring follow-up and appraisal of the implementation of this Convention.

Article 30: National action plans

1. The States Parties undertake to prepare national action plans on small arms and light weapons, which shall be implemented by the national commissions. The national action plans shall be prepared using a data collection process involving all relevant national stakeholders, including civil society organizations, particularly associations of women and youth, who are considered to be the most vulnerable to the dangers posed by small arms and light weapons.

2. The national action plans shall take due account of the findings of studies on the impact of small arms and light weapons on populations and States which the relevant authorities carry out in each State Party.

Article 31: Subregional action plan

1. The Secretary-General of ECCAS shall prepare an action plan describing all the measures and actions to be taken at the subregional level in order to ensure the implementation of this Convention.

2. The subregional action plan must also lay out the strategy to be carried out by the Secretary-General of ECCAS to promote the signing and ratification of this Convention by the States, as well as its entry into force.

Article 32: Financial support

The States Parties undertake to contribute financially towards the implementation of this Convention. They also undertake to support the establishment, by the Secretary-General of ECCAS, of a group of experts responsible for follow-up and appraisal of the implementation of activities.

Article 33: Assistance and cooperation

1. The States Parties undertake to promote cooperation among States and among various competent government bodies in the implementation of this Convention.

2. The States Parties request the Secretary-General of ECCAS to provide them all necessary assistance to enable them to benefit from the multifaceted support of technical and financial partners, particularly as regards capacity-building for the armed and security forces, the border-control services and all other services involved in combating illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 34: Follow-up and appraisal

1. The group of experts may seek any information it deems useful to its work in relation to the States Parties and, in particular, from other States Members of the United Nations, the States participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, the European Union and any arms manufacturer or supplier.

2. Each State Party shall prepare and submit an annual report to the Secretary-General of ECCAS on its activities to implement this Convention.

3. The Secretary-General of the United Nations shall convene a Conference of States Parties to this Convention one year after its entry into force.

4. The first Conference of States Parties shall be responsible for reviewing the implementation of this Convention and may have additional mandates in accordance with decisions taken by the States Parties. The subsequent conferences of States Parties shall be held once every two years, beginning two years from the date of the first conference, in order to review the state of implementation of this Convention.

5. Five years after the entry into force of this Convention, the Secretary-General of the United Nations shall convene a review conference. The Secretary-General shall also convene other review conferences at the request of one or more States Parties.

6. The items to be considered during the review conferences shall be considered and adopted within the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa. The review conferences shall, at a minimum, consider the state of implementation of this Convention.

CHAPTER IX: GENERAL AND FINAL PROVISIONS

Article 35: Signature, ratification, acceptance, approval and accession

1. This Convention, adopted in Kinshasa on 30 April 2010, shall be open for signature to all the States members of ECCAS and by the Republic of Rwanda, States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, at [xxx] on [xxx], and subsequently at United Nations Headquarters in New York, until its entry into force.

2. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

3. Any other interested State, other than those specified in article 35, paragraph 1, may accede to this Convention, subject to the approval of the Conference of States Parties.

Article 36: Entry into force

1. This Convention shall enter into force 30 days after the date of deposit of the sixth instrument of ratification, acceptance, approval or accession.

2. For each State that deposits its instrument of ratification, acceptance, approval or accession after the date of deposit of the sixth instrument of ratification,

acceptance, approval or accession, the Convention shall enter into force 30 days after the date of deposit of that instrument.

Article 37: Amendments

1. Any State Party may propose amendments to this Convention at any time after its entry into force.

2. Any proposed amendment shall be transmitted to the Secretary-General of the United Nations, who shall circulate it to all of the States Parties at least 90 days before the opening of the Conference of States Parties.

3. Amendments shall be adopted by consensus at the Conference of States Parties.

4. For the parties that have accepted amendments, they shall enter into force 30 days after the deposit of the sixth instrument of acceptance of the amendment with the depositary. Subsequently, they shall enter into force for a party 30 days after the deposit of that party's instrument of acceptance of the amendment with the depositary.

Article 38: Reservations

The articles of this Convention shall not be subject to reservations.

Article 39: Denunciation and withdrawal

1. Any State Party, in the exercise of its national sovereignty, shall have the right to withdraw from this Convention.

2. Such withdrawal shall be effected by a State Party by means of written notification, including a statement of the extraordinary events that jeopardized its supreme interests, addressed to the Secretary-General of the United Nations in his or her capacity as depositary, who shall then convey it to the other States Parties.

3. Withdrawal shall not take effect until 12 months after the depositary receives the withdrawal instrument.

4. Withdrawal shall not release the State Party concerned from the obligations imposed on it by the Convention with regard to any violation that occurred before the date when the denunciation took effect, nor shall it hinder in any way the continued consideration of any matter concerning the interpretation or application of this Convention.

Article 40: Depositary and languages

1. The Secretary-General of the United Nations shall be the depositary of this Convention.

2. The original of this Convention, of which the English, French and Spanish texts are equally authentic, shall be deposited with the depositary, who shall have certified official copies sent to all the States.

Article 41: Special provisions

1. The commitments resulting from the provisions of this Convention shall not be interpreted as contradicting the letter or the spirit of conventions or agreements between a State Party and a third State provided that such conventions or agreements do not contradict the letter or spirit of this Convention.

2. In the event of any dispute between two or more States Parties concerning the interpretation or application of this Convention, the States Parties in question shall consult each other with a view to settling the dispute quickly through negotiation or by any other peaceful means of their choosing, including recourse to the good offices of the Secretary-General of ECCAS, the Secretary-General of the United Nations or an extraordinary Conference of States Parties.

IN WITNESS WHEREOF, we, the Heads of State and Government of the States members of Economic Community of Central African States and the Republic of Rwanda, States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Have signed this Convention in three (3) original copies in the English, Spanish and French languages, all three texts being equally authentic.

DONE at Kinshasa on 30 April 2010

The Republic of Angola

The Republic of Burundi

The Republic of Cameroon

The Central African Republic

The Republic of Chad

The Democratic Republic of the Congo

The Republic of the Congo

The Republic of Equatorial Guinea

The Gabonese Republic

The Republic of Rwanda

The Democratic Republic of Sao Tomé and Principe

United Nations A/ES-10/504 S/2010/535

General Assembly
Security Council

Distr.: General
18 October 2010

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fifth year

Identical letters dated 15 October 2010 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to you today to express our strong condemnation of the latest unilateral, illegal Israeli measures in Occupied East Jerusalem. On Thursday, 14 October 2010, Israel, the occupying Power, approved the construction of 240 more new settlement units in the illegal settlements of "Pisgat Ze'ev" and "Ramot", in Occupied East Jerusalem. The approval for the construction of these units in the Occupied Palestinian Territory is yet further proof of the ongoing and intensifying Israeli policy of land grab and colonization, which has been most aggressive in Occupied East Jerusalem.

This Israeli decision shows, once again, that the current Government of Israel is set to undermine any chances of salvaging the peace talks and what they intended to achieve. It is also in grave breach of the Fourth Geneva Convention and other relevant provisions of international law and relevant United Nations Security Council and General Assembly resolutions. Moreover, it is absolutely contrary to the well-defined and internationally supported objective of a peace process to resolve the Israeli-Palestinian conflict, namely the achievement of independence of the State of Palestine, living side by side with Israel in peace and security on the basis of the pre-1967 borders.

I regret to inform you also that Israeli settler terror, violence, harassment and intimidation against the Palestinian civilian population in the Occupied Palestinian Territory, including East Jerusalem, continues to intensify, particularly during the olive harvest season. Today, the armed settlers of the outpost "Gevat Gilad" set fire to the village of Fara'ta east of Qalqilya, causing damage estimated at tens of thousands of dollars. These criminal armed settlers also prevented Palestinian firemen from reaching the affected area, leading to more damage in the lands belonging to Palestinian citizens. Such lawlessness and impunity have clearly been fostered and fuelled by the military, financial and physical reinforcements and

10-59143 (E) 211010

Please recycle

incentives provided to the settlers by the Government of Israel, including its absolute failure to hold the settlers accountable for their crimes. Extremist settlers have been no doubt further emboldened by repeated declarations of support and incitement from members of the current right-wing Government of Israel.

We once again alert the international community to the fact that illegal Israeli settlement expansion in Occupied East Jerusalem is accelerating in an unprecedented manner and that it continues in conjunction with the aggressive Israeli campaign of demolishing Palestinian homes and evicting and displacing hundreds of indigenous Palestinian families from the city. Such Israeli policies and measures clearly aim at altering the demographic composition, status and nature of East Jerusalem, in an attempt to create a new reality on the ground, in effect pre-empting any final solution to the Palestinian-Israeli conflict.

These illegal Israeli actions undermine the efforts to resume and accelerate the peace process and represent an affront to the international community's unanimous call to halt such actions to allow for the peace efforts to succeed. In this regard, the Palestinian people and their leadership have expressed deep appreciation for the unanimous assertion of principled positions and strong, clear statements recently made by leaders from around the world, regarding the latest such illegal, unilateral Israeli actions. However, what is needed now is for the international community, including the Security Council, to take immediate, practical and decisive action to bring Israel into compliance with international law, including its obligations under the Fourth Geneva Convention, relevant United Nations resolutions and the Quartet Roadmap because the alternative gravely threatens not only Palestinian national aspirations for freedom and independence in the Palestinian Territory occupied since 1967, including East Jerusalem, but also gravely threatens the stability and security of the entire region.

This letter is in follow-up to our previous 376 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 8 October 2010 (A/ES-10/503-S/2010/515) constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations